

Rules of Department of Revenue

Division 50—Missouri Horse Racing Commission

Chapter 20—Commission and Commission Officials

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Title 12—DEPARTMENT OF REVENUE

Division 50—Missouri Horse Racing Commission Chapter 20—Commission and Commission Officials

12 CSR 50-20.010 Commission Officials

PURPOSE: This rule sets forth the officials who will be employed by the Horse Racing Commission.

(1) As provided in section 313.500, RSMo (1986), the commission shall employ the following officials:

- (A) A presiding judge;
- (B) Two (2) associate judges; and
- (C) A commission veterinarian.

Auth: sections 313.520.3. and 313.560, RSMo (1986). Emergency rule filed June 20, 1986, effective June 30, 1986, expired Oct. 13, 1986. Original rule filed Oct. 3, 1986, effective Jan. 12, 1987.

12 CSR 50-20.020 Judges

PURPOSE: This rule sets forth the duties, responsibilities and powers of the commission judges.

(1) The judges for each racing meeting shall be responsible to the commission for the conduct of the race meeting in accordance with the laws of this state and the rules adopted by the commission. The judges shall have authority to resolve conflicts or disputes between all other racing officials or licensees and to punish violators of the rules in accordance with the provisions of the rules during or involving a race meeting.

(2) Should any judge be absent at race time, the other two (2) judges shall agree on the appointment of a deputy for the absent judge or if they are unable to agree on a deputy, then the racing secretary shall appoint a deputy for that race. If any deputy judge is appointed, the commission shall be notified immediately by the judges.

(3) Attendance. All three (3) judges shall be present on the judging stand during the running of each race.

(4) Period of Authority. The period of authority for the judges shall commence thirty (30) days prior to the beginning of each racing meet and shall terminate thirty (30) days after the end of each racing meet.

(5) Initiate Action. Judges, from their own observations, may take notice of misconduct or rule violations and institute investigations of possible rules' violations.

(6) Inspection. Judges may inspect, at any time, a license document or paper related to harness racing including, but not limited to, partnership papers, driver employment contracts, the adoption of colors or stable names or any other document or paper relating to the racing meet.

(7) General Enforcement Provisions. Judges shall enforce these rules and the racing laws of this state and have authority to charge any licensee for a violation of these rules, to conduct hearings as prescribed by the commission's rules and to impose fines or suspensions. The decision of the judges as to the extent of a disqualification of any horse in any race shall be final for purposes of distribution of the pari-mutuel pool.

(8) Imposition of Fines and Penalties. Judges may impose fines of up to two thousand five hundred dollars (\$2500) for each offense or suspend occupational licenses for up to six (6) months for each offense or both fine and suspend. The judges' action shall not bar the commission from imposing a more severe penalty if so required in the determination of the commission. However, the commission shall initiate no action increasing any judges' penalty after sixty (60) days from the date of the judges' action. The judges, instead of taking action against a licensee, may refer any violation to the commission for hearing and decision, but the judges' reference of any violation shall not be necessary as a condition to commission action against a licensee. In cases where fines or penalties alter the results of a race the judges may re-award purses, prizes, awards and trophies.

(9) Payment of Fines. All fines imposed by the judges upon a licensee shall be paid by the licensee to the commission within forty-eight (48) hours after imposition.

(10) Judges may hold summary hearings of violations of the following:

- (A) Driving;
- (B) The use of drugs and medication;
- (C) Possessing a device for the injection of prohibited substances in horses;
- (D) Suspensions under reciprocity agreements with other states;
- (E) Assaults and violent crimes; and
- (F) Prearranging the outcome of a race.

(11) Emergency Authority of Judges.

(A) Substitute Officials. When in an emergency any official is unable to discharge his/her duties, the judges may approve the appointment of a substitute. The judges shall report the appointment immediately to the commission.

(B) Substitute Drivers. The judges have the authority in an emergency to designate a substitute driver or trainer for a horse in the event the trainer does not do so. Before using the authority, the judges shall in good faith attempt to contact the trainer to inform him/her of the emergency and to afford him/her the opportunity to appoint a substitute driver. If the trainer cannot be contacted, or if the trainer is contacted and fails to appoint a substitute driver or informs the judges by thirty (30) minutes prior to post time that s/he will not appoint a substitute, the judges may appoint under this rule.

(C) Substitute Trainer. The judges have the authority in an emergency to designate a substitute trainer for any horse.

(D) Excuse Horse. In case of accident or injury to a horse or any other emergency deemed by the judges before the start of any race, the judges may excuse the horse from starting.

(12) Exercise Authority. No licensee may exercise a horse on the track between races unless upon the approval of the judges.

(13) Investigations and Decisions.

(A) Investigations. The judges, upon direction of the commission or on their own, may conduct inquiries and may recommend to the commission the issuance of subpoenas to compel the attendance of witnesses and the production of reports, books, papers and documents for any inquiry. The presiding judge has the power to administer oaths and examine witnesses and shall submit a written report of every judges' inquiry to the commission.

(B) Cancel Trifecta (Triple). The judges have the authority to cancel trifecta (triple) wagering at any time they determine an irregular pattern of wagering or determine that the conduct of the race would not be in the interest of the regulation of the pari-mutuel wagering industry or in the public confidence in racing. The judges shall cancel trifecta (triple) wagering at any time there are fewer than eight (8) betting interests unless there is a late scratch in which there shall be a cancellation if there are fewer than seven (7) betting interests.

(C) Form Reversal. The judges shall take notice of any marked reversal of form by any horse and shall conduct an inquiry of the



horse's owner, trainer or other persons connected with the horse including any person found to have contributed to the deliberate restraint or impediment of a horse in order to cause it not to win or finish as near as possible to first.

(D) Fouls.

1. Extent of disqualification. Upon any claim of fouls submitted to them, the judges shall determine the extent of any disqualification and may place any horse found to be disqualified behind others in the race.

2. Coupled entry. When a horse is disqualified under this subsection and where that horse was a part of a coupled entry and, where, in the opinion of the judges, the act which lead to the disqualification served to unduly benefit the other part of the coupled entry, the judges, at their discretion, may disqualify the other part of the entry.

(E) Protests and Complaints. The judges shall investigate promptly and render a decision in every protest and complaint. They shall keep a record of all protests and complaints and any rulings made by the judges and file the reports daily with the commission.

1. Involving fraud. Protests involving fraud must be made to the judges and may be made by any person at any time.

2. Not involving fraud. Protests not involving fraud must be made to the judges and may be filed only by the owner of a horse or his/her authorized agent, the trainer or the driver at the time of the acts giving rise to the protest. The protest must be made before the race is declared official. If the placement of the horses at the starting gate is in error, no protest may be made unless the protest is entered prior to the time the first horse enters the gate.

3. Prize money of protested horse. During the time of determination of a protest, any money or prize won by a horse protested or otherwise affected by the outcome of the race shall be paid to and held by the horseman's accountant until the protest is decided.

4. Protest in writing. A protest, other than one arising out of the actual running of a race, must be in writing, signed by the complainant and filed with the judges one (1) hour before post time of the race out of which the protest arises.

5. Frivolous protests. No person or licensee shall make a frivolous protest nor may any person withdraw a protest without the permission of the judges.

(14) Presiding Judge.

(A) No person shall act as presiding judge in this state unless s/he is a member of and holds a license for the current year as a presiding judge from the United States Trotting Association.

(B) The presiding judge shall have supervision over—

1. Associate judges;
2. Patrol judge;
3. Paddock judge;
4. Finish-wire judge;
5. Clerk of the course;
6. Timers;
7. Identifiers; and
8. All other association officials.

(C) The presiding judge shall conform to rule 6, section 10 of the rules of the United States Trotting Association.

(15) Associate Judges. No person shall act as an associate in this state unless s/he is a member of and holds a license for the current year as an associate judge from the United States Trotting Association.

(16) The judges shall have all authority enumerated in rule 6, section 11, U.S.T.A. rule except where the authority is inconsistent with this rule.

(17) The judges shall have all duties enumerated in rule 6, section 12, of the U.S.T.A. rules except as the duties are inconsistent or superseded by this rule.

(18) The judges shall follow the procedures set out in rule 6, section 13, of the U.S.T.A. rules except as the procedures are inconsistent with or superseded by this rule.

*Auth: section 313.540, RSMo (1986).
Emergency rule filed June 20, 1986,
effective June 30, 1986, expired Oct. 13,
1986. Original rule filed Oct. 3, 1986,
effective Jan. 12, 1987.*

12 CSR 50-20.025 Stewards

PURPOSE: This rule sets forth the duties and responsibilities of the stewards.

(1) The stewards shall exercise immediate supervision, control and regulation of racing at licensed race meetings. In addition to the duties and responsibilities necessary to the supervision, control and regulation and without limiting the authority of the stewards to perform these and other duties, the stewards shall have the following duties and responsibilities:

(A) To appoint a substitute steward for any absent steward;

(B) To be present in the stands during the running of each race;

(C) The period of authority of the stewards of the race meet shall commence thirty (30) days prior to the meet and shall terminate thirty (30) days after the end of the meet;

(D) To initiate investigations and inspect documents and premises of the licensed association for compliance with the rules;

(E) To enforce these rules and racing laws of this state, charge any licensee with violations, conduct hearings as provided for in these rules and to impose fines of up to two thousand five hundred dollars (\$2500) or suspend occupational licenses for up to six (6) months or both. The stewards' action shall not bar the commission from imposing a more severe penalty if so required in the determination of the commission. The stewards, instead of taking action against a licensee, may refer any violation to the commission for hearing and decision, but the stewards' reference of any violation shall not be necessary as a condition of commission action against a licensee. In cases where fines or penalties alter the results of a race, the stewards may re-award purses, prizes, awards and trophies;

(F) The decision of the stewards as to the extent of a disqualification of any horse in any race shall be final for the purposes of distribution of the pari-mutuel pool;

(G) All fines imposed by the stewards upon a licensee shall be paid by the licensee to the commission within forty-eight (48) hours after imposition;

(H) To approve the appointment of a substitute official when an official is temporarily unable to discharge his/her duties;

(I) To place a substitute jockey on any horse, in an emergency when the trainer does not do so;

(J) To designate a substitute trainer for any horse in an emergency;

(K) To excuse any horse in case of accident, injury or other emergency;

(L) To cancel trifecta (triple) wagering at any time they determine an irregular pattern of wagering or determine that the conduct of the race would not be in interest of the pari-mutuel industry or in the public confidence in racing. The stewards shall cancel trifecta wagering any time there are fewer than eight (8) betting interests unless there is a late scratch in which there shall be a cancellation if there are fewer than seven (7) betting interests. At fair meetings (Class D), the stewards shall cancel trifecta wagering any time there are fewer than seven (7) betting interests unless there is a late scratch in which there shall be a cancellation if there are fewer than six (6) betting interests;

(M) Fouls.

1. Upon any claim of foul submitted to them, the stewards shall determine the extent of any disqualification and may place any

horse found to be disqualified behind others in the race with which it interfered or may place the offending horse last in the race.

2. When a horse is disqualified under this rule and where that horse was a part of a coupled entry and, where, in the opinion of the stewards, the act which led to the disqualification served to unduly benefit the other part of the coupled entry, the stewards, at their discretion, may disqualify the other part of the entry;

(N) The stewards shall investigate promptly and render a decision in every protest and complaint made to them. They shall keep a record of all protests and complaints and any rulings made by the stewards and file the reports daily with the commission.

1. Protests involving fraud may be made by any person at any time to the stewards.

2. Protests, except those involving fraud, may be filed only by the owner of a horse or his/her authorized agent, the trainer or the jockey of the horse in the race over which the protest is made. The protest must be made to the clerk of the scales or to the stewards before the race is declared official. If the placement of the starting gate is in error, no protest may be made, unless the protest is entered prior to the time the first horse enters the gate.

3. A jockey who intends to enter a protest to the clerk of scales following the running of any race, and before the race is declared official, shall notify the clerk of scales of this intention immediately upon the arrival of the jockey at the scales.

4. During the time of determination of a protest, any money or prize won by a horse protested or otherwise affected by the outcome of the race shall be paid to and held by the horsemen's accountant until the protest is decided.

5. A protest, other than one arising out of the actual running of a race, must be in writing, signed by the complainant and filed with the stewards one (1) hour before post-time of the race out of which the protest arises;

(O) To lock all betting machines not later than the moment the starting gate is opened for the commencement of a race; to cause the inquiry sign to be posted on the infield odds board immediately after the horses have crossed the finish line if any doubt is held by any steward or patrol judge as to the running of the race; to cause the objection sign to be similarly posted upon the lodging of same; to cause the official sign to be similarly posted after determining the official order of finish for purposes of pari-mutuel payoffs;

(P) To review the video tape of each day's races and to post a list of jockeys whom the stewards feel should review the tapes;

(Q) To demand proof that a horse is neither disqualified nor trained, owned in whole or part, or entered by a disqualified person; and

(R) To determine all questions arising with references to entries and racing; to interpret these rules and to decide all questions not specifically covered by them.

Auth: sections 313.520.3., 313.560.5. and 313.560.7., RSMo (1986). Original rule filed Oct. 3, 1986, effective Jan. 12, 1987.

12 CSR 50-20.030 Commission Veterinarian

PURPOSE: This rule sets forth the duties, responsibilities and powers of the commission's veterinarian.

(1) General Duties. The commission shall employ a veterinarian(s) authorized to—

(A) Maintain and operate a barn for the detention and testing of horses after each race;

(B) Collect specimens for analysis to determine the presence of foreign substances in any entered horse; and

(C) Examine any horse entered in any race and may upon a determination of unfitness to race, recommend to the judges that they scratch the horse. Any horse so scratched shall be placed on the veterinarian's list and shall not be entered to race, nor shall it race, for three (3) racing days thereafter.

(2) Racing Soundness Exam. Each and every horse entered to race shall be subjected, not later than two (2) hours prior to the official post-time for the first race, to a veterinary examination for racing soundness and health on the race day.

(3) Sampling and Testing.

(A) Winner Tested. After each race the winner and second place horse of each race and any other horse designated by the judges shall be taken directly to the enclosure for testing as the judges may require. Blood samples shall be taken only by the commission's veterinarian or his/her designated assistant.

1. A horse entered in a race may be designated by the presiding judges for blood or urine specimen, or both, to be given before or following the race. The winner and second place horse of every race shall give a post-race blood or urine specimen. In trifecta races the first three (3) horses shall be tested.

2. Failure to allow or cooperate in the taking of a specimen, or any act or threat to impede or prevent or otherwise interfere with the testing, shall subject the licensee to disciplinary proceedings as provided in these rules.

(B) Representative Present. Each horse to be tested shall be accompanied by its owner, trainer or their representative who shall remain during the obtaining of the sample and sign as a witness a portion of the sample marking tag which should be detached and safeguarded by the commission's veterinarian before the sample is forwarded to the laboratory.

(C) Custody of Samples. Samples taken shall be marked for identification by a tag initialed by the commission's veterinarian. The tag shall include a number, the date of sample, but not the name of the horse or its owner or trainers. The sample and tag shall be delivered under seal to the testing laboratory by the commission's veterinarian.

(D) Commission Laboratory. The commission laboratory shall insure the integrity of samples and sample containers and shall conduct tests as may be required by the judges or the commission.

(E) Sample Retention. The commission laboratory shall retain the sample submitted to it by the veterinarian in a manner most conducive to its preservation. The laboratory shall not destroy any sample without first obtaining the permission of the commission or the executive director.

(F) Post-mortem Examination. Every horse which expires on the racetrack, in training, or in competition, and is destroyed and every other horse which expires while stabled on the racetrack under the jurisdiction of the commission, shall undergo a post-mortem examination at a time and place acceptable to the commission's veterinarian to determine the injury or sickness which resulted in euthanasia or natural death. The post-mortem examination required shall be conducted by a veterinarian employed by the owner or his/her trainer or the association's veterinarian in the presence of and in consultation with the commission's veterinarian. Test samples must be obtained from the carcass upon which the post-mortem examination is conducted and shall be sent to the commission's laboratory.

Auth: section 313.520.3., RSMo (1986). Emergency rule filed June 20, 1986, effective June 30, 1986, expired Oct. 13, 1986. Original rule filed Oct. 3, 1986, effective Jan. 12, 1987. Amended: Filed Oct. 13, 1987, effective Jan. 14, 1988.

**12 CSR 50-20.040 Commission Laboratory**

PURPOSE: This rule authorizes the executive director to contract with a laboratory as the commission laboratory.

(1) The executive director shall contract with a laboratory as provided in section 313.560(5), RSMo (1986) for the purpose of conducting any tests or post-mortem required by this or any other commission rule.

*Auth: section 313.560(5), RSMo (1986).
Emergency rule filed June 20, 1986,
effective June 30, 1986, expired Oct. 13,
1986. Original rule filed Oct. 3, 1986,
effective Jan. 12, 1987.*

12 CSR 50-20.050 Suspensions

PURPOSE: This rule sets forth the actions which must be taken by the judges whenever any licensee has been suspended by the commission.

(1) When any license is suspended by the judges at any meeting, or by the racing regulatory agency of another state or the United States Trotting Association (U.S.T.A.), then the suspended licensee shall be prohibited by the judges from participating in any pari-mutuel activity regulated by this commission.

(2) The suspension, in addition, shall render ineligible for entry or starting every horse in which the suspended licensee has any ownership interest or trainer responsibility.

(A) Eligibility for affected horses in the cases may be restored by transfer of the suspended licensee's interest or responsibilities to another licensed person.

(B) Any transfer under subsection (2)(A) of this rule must be approved by the judges of the meeting.

*Auth: section 313.540, RSMo (1986).
Emergency rule filed June 20, 1986,
effective June 30, 1986, expired Oct. 13,
1986. Original rule filed Oct. 3, 1986,
effective Jan. 12, 1987.*

12 CSR 50-20.055 Effect of Suspension or Revocation on Spouse

PURPOSE: This rule applies suspensions, revocations and/or denials of licenses to a licensee's household.

(1) Rules pertaining to, and rulings against, licensees shall apply in like force to the spouse and members of the immediate family or households of the licensee. Immediate family shall be defined as father, mother, sons, daughters, sons-in-law, daughters-in-law and step-children.

*Auth: section 313.540, RSMo (1986).
Emergency rule filed June 20, 1986,
effective June 30, 1986, expired Oct. 13,
1986. Original rule filed Oct. 3, 1986,
effective Jan. 12, 1987.*

12 CSR 50-20.060 Conflict Between U.S.T.A. and Commission Rules

PURPOSE: This rule establishes the commission's rules which take precedence over the rules of U.S.T.A.

(1) Where a conflict exists between the rules of the commission and the U.S.T.A. rules, the commission's rules shall govern. Any rule which is covered both by a commission rule and the U.S.T.A. rule shall be interpreted so that the commission rule modifies or supersedes the U.S.T.A. rule.

(2) Whenever a situation arises in connection with a harness meeting which is not covered by these rules, the U.S.T.A. shall govern.

*Auth: section 313.540, RSMo (1986).
Emergency rule filed June 20, 1986,
effective June 30, 1986, expired Oct. 13,
1986. Original rule filed Oct. 3, 1986,
effective Jan. 12, 1987.*